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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,926

05/01/2006

Shinya Abe

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04/29/2008

WENDEROTH, LIND & PONACK L.L.P.

2033 K. STREET, NW

SUITE 800

WASHINGTON, DC 20006

EXAMINER

KAYRISH, MATTHEW

ART UNIT

PAPER NUMBER

2627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,926	<b>Applicant(s)</b> ABE ET AL.	
	<b>Examiner</b> MATTHEW G. KAYRISH	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-23, 25 and 40-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-23, 25 and 40-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. The disclosure is objected to because of the following informalities:

Page 1, line 19 states "an rewritable optical disk," which should be amended to state "a rewritable optical disk" so that it reads properly.

Page 16, lines 18-24, the sentence "In lieu of the present invention ... from the optical disk of land-recording system," does not read properly.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21, 23, 25 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent Number 6847594), in view of Eguchi et al (US PG-Pub 2001/0050888).

Regarding claim 21, Lee discloses:

A method for recording wobble information of an information recording medium which comprises:

Selecting a recording system (abstract); and

Forming a guide groove (figure 5) having wobble information (columns 5 & 6, lines 50-67 & 1-14) wherein the wobble starts its wobble deviation towards the inner side of the medium in the case where the selected recording system is a groove-recording system (figure 6A, the deviation of the groove is both towards the inner and outer side), or a guide groove having wobble information wherein the wobble starts its wobble deviation towards the outer side of the medium in the case where the selected recording system is a land-recording system (figure 6B, the deviation of the land is both towards the inner and outer side).

Lee fails to specifically disclose:

The wobble starts its FIRST deviation towards the inner side of the medium.

Eguchi discloses:

A method for recording wobble information of an information recording medium (abstract) which comprises:

Forming a guide groove (figure 5) having wobble information (paragraph 49) wherein the wobble starts its first wobble deviation towards the inner side of the medium in the case where the selected recording system is a groove/land-recording system (figures 5 & 6, the deviation of the grooves are towards the inner radius at the start of each sector; paragraphs 49-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for the first deviation of the wobble signal to deviate towards the inner radius, as taught by Eguchi, because this will allow the optical system to distinguish between a groove track and a land track, immediately upon reading the address.

Regarding claims 23 and 25, Lee and Eguchi disclose apparatus limitations of claims 23 and 25 that are similar to or inherent from the method limitations of claim 21, as stated in the 103 rejection above, therefore, claims 23 and 25 are met on the same basis.

Regarding claims 40-43, Lee and Eguchi disclose the features of base claims 23 and 25, as stated in the 103 rejection above, and further discloses:

Which records/reproduces information on groove/land portions when a tracking polarity is set for the groove/land recording system and wobble information is detected (abstract).

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Eguchi et al, as applied to claim 21 above, and further in view of Maeda et al (US PG-Pub 2002/0067666).

Regarding claim 22, Lee and Eguchi disclose the features of base claim 21, as stated in the 103 rejection above, and further disclose the features of claim 22 that are in common with those previously disclosed in claim 21, as stated in the 103 rejection above, but fail to specifically disclose:

Wherein the information recording medium has a plurality of recording layers, and the guide groove having wobble information is formed for each recording layer based on the selected recording system.

Maeda discloses:

An optical disc recording system (figure 2);

Wherein the information recording medium has a plurality of recording layers (figure 1), and the guide groove having wobble information is formed for each recording layer based on the selected recording system (paragraph 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for the disc of the optical system of Lee to have multiple layers, the layers comprising a variety of land or groove recording layers, as taught by Maeda, because this is well known to help to reduce interference between recording of the subsequent layers.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW G. KAYRISH whose telephone number is (571)272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish /Matthew G. Kayrish/ 4/21/2008  
/M. G. K./

Examiner, Art Unit 2627

***/Brian E. Miller/***

***Primary Examiner, Art Unit 2627***